

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4553

IN THE MATTER OF:

Served March 31, 1995

Application of CAPITAL CITY)
TRANSPORTATION COMPANY, INC.,)
for a Certificate of Authority --)
Irregular Route Operations)

Case No. AP-95-10

By application filed February 10, 1995, Capital City Transportation Company, Inc. (CCT or applicant), a District of Columbia corporation, seeks a certificate of authority to transport passengers, together with baggage in the same vehicles as passengers, in irregular route operations between points in the Metropolitan District. Applicant is under common control with Capital City Limousine, Inc. (CCL), which has filed an application for irregular-route authority restricted to transportation in vehicles with a manufacturer's designed seating capacity of 15 or fewer persons, including the driver.¹

Notice of this application was served on February 15, 1995, in Order No. 4497, and applicant was directed to publish further notice in a newspaper and file an affidavit of publication. Applicant complied. The application is unopposed.

SUMMARY OF EVIDENCE

The application includes information regarding, among other things, applicant's corporate status, facilities, proposed tariff, finances, and regulatory compliance record.

Applicant proposes commencing operations with two minibuses and one motorcoach. Applicant's proposed tariff contains hourly charter rates with minimum charges.

Applicant filed a balance sheet as of December 31, 1994, showing assets of \$20,000; liabilities of \$18,000;² and equity of

¹ In re Capital City Limo., Inc., No. AP-95-09, Order No. 4496 (Feb. 15, 1995).

² The notes to the balance sheet indicate that the liabilities consist of a single note payable to applicant's president/sole shareholder. A highly leveraged applicant may be found financially fit where shareholders are the principal or sole source of debt. In re M.R. Hopkins Transp. Servs., Inc., t/a M.R. Hopkins Transp., No. AP-94-03, Order No. 4265 (Mar. 28, 1994); In re Seth, Inc., t/a Kids Kab, No. AP-93-40, Order No. 4243 at 1 n.1 (Feb. 9, 1994); In re Sky Lines, Inc., No. AP-91-46, Order No. 3886 (Feb. 12, 1992).

\$2,000. Applicant's projected operating statement for 1995 shows income of \$50,500; costs and expenses of \$49,162; and net income of \$1,338.

Applicant certifies it has access to, is familiar with, and will comply with the Compact, the Commission's rules and regulations, and United States Department of Transportation regulations relating to transportation of passengers for hire.

DISCUSSION AND CONCLUSION

This case is governed by the Compact, Title II, Article XI, Section 7(a), which provides in relevant part that:

. . . the Commission shall issue a certificate to any qualified applicant . . . if it finds that --

- (i) the applicant is fit, willing, and able to perform [the] transportation properly, conform to the provisions of this Act, and conform to the rules, regulations, and requirements of the Commission; and
- (ii) that the transportation is consistent with the public interest.

Based on the evidence in this record, the Commission finds applicant to be fit, willing, and able to perform the proposed transportation properly and to conform with applicable regulatory requirements. The Commission further finds that the proposed transportation is consistent with the public interest.

Because applicant is under common control with CCL, this case also is governed by Title II, Article XII, Section 3,¹ which provides in pertinent part that a "carrier or any person controlling, controlled by, or under common control with a carrier shall obtain Commission approval to . . . acquire control of another carrier that operates in the Metropolitan District through ownership of its stock or other means." The Commission may approve such a transaction if it is consistent with the public interest.⁴ As explained in the order granting CCL's application, we find the proposed common control of CCL and CCT consistent with the public interest.

Each carrier is admonished to keep its assets, books and operations completely separate from the other's. Sharing of office space and parking facilities will be allowed, but this should not be construed as permission to share revenue vehicles or operating authority.⁵

¹ In re Executive Sedan Mgmt. Servs., Inc., t/a Washington Car & Driver, No. AP-94-26, Order No. 4354 (Aug. 1, 1994).

⁴ Order No. 4354 at 2.

⁵ Order No. 4354 at 5.

THEREFORE, IT IS ORDERED:

1. That Capital City Transportation Company, Inc., 30 L Street, S.W., Washington, DC 20024, is hereby conditionally granted, contingent upon timely compliance with the requirements of this order, authority to transport passengers, together with baggage in the same vehicles as passengers, in irregular route operations between points in the Metropolitan District.

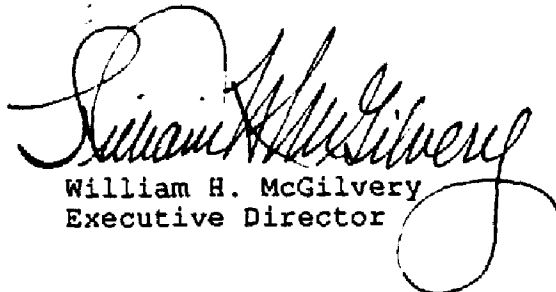
2. That applicant is hereby directed to file the following documents with the Commission: (a) evidence of insurance pursuant to Commission Regulation No. 58 and Order No. 4203; (b) an original and four copies of a tariff or tariffs in accordance with Commission Regulation No. 55; (c) an equipment list stating the year, make, model, serial number, vehicle number, license plate number (with jurisdiction) and seating capacity of each vehicle to be used in revenue operations; (d) evidence of ownership or a lease as required by Commission Regulation No. 62 for each vehicle to be used in revenue operations; (e) proof of current safety inspection of said vehicle(s) by or on behalf of the United States Department of Transportation, the State of Maryland, the District of Columbia, or the Commonwealth of Virginia; and (f) a notarized affidavit of identification of vehicles pursuant to Commission Regulation No. 61, for which purpose WMATC No. 299 is hereby assigned.

3. That upon timely compliance with the requirements of the preceding paragraph and acceptance of the documents required by the Commission, Certificate of Authority No. 299 shall be issued to applicant.

4. That applicant may not transport passengers for hire between points in the Metropolitan District pursuant to this order unless and until a certificate of authority has been issued in accordance with the preceding paragraph.

5. That unless applicant complies with the requirements of this order within 30 days from the date of its issuance, or such additional time as the Commission may direct or allow, the grant of authority herein shall be void and the application shall stand denied in its entirety effective upon the expiration of said compliance time.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS ALEXANDER, LIGON, AND SHANNON:


William H. McGilvery
Executive Director